

On motion of Senator Presler, the following language, which appears in the minority committee report on House bill No. 673 (see Journal of May 5) was ordered expunged, to-wit:

"In this conclusion we are supported by the facts, that it has not in the past been the policy of Huntington and the Southern Pacific Company to extend and build railroads, but rather to manipulate, buy and operate existing roads; they are railroad wreckers and manipulators, and not builders."

On motion of Senator Kerr, the Senate adjourned to 10 a. m. Monday.

#### NINETY-EIGHTH DAY.

Senate Chamber,  
Austin, Tex., Monday, May 17.

The Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. No quorum, the following Senators answering to their names:

Bailey.	Linn of Wharton.
Beall.	Morriss.
Bowser.	Presler.
Colquitt.	Rogers.
Dibrell.	Ross.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Wayland.
Kerr.	Woods.
Lewis.	

Absent.

Atlee.	Stafford.
Burns.	Stone.
Darwin.	Turney.
Harrison.	Yantis.
Linn of Victoria.	Yett.
Neal.	

Excused.

Boren.

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: For this day we seek Thy grace, the grace of wisdom, the grace of patience, and the grace of toleration. For this day we seek Thy strength, that in body, mind and spirit we may be prepared to meet all demands that may be made upon us. May we be as wise as serpents and as harmless as doves. May all our public acts and utterances be but the outflow of souls in harmony with Thee, Thy laws and the pressing needs of the people. May our deliberations be fair and our conclusions just. Grant Thy special benedictions to this Sen-

ate to-day, we ask for Christ's sake. Amen.

Senator Colquitt moved that the Sergeant-at-Arms be instructed to telegraph the Senators absent and not excused, to return at once.

So ordered.

Senator Kerr moved to adjourn to 3 p. m. to-day.

Senator Greer moved to adjourn to 3:25 p. m. to-day.

Senator Wayland moved to adjourn to 3:30 p. m. to-day.

Lost by the following vote:

Yeas—8.

Beall.	Linn of Wharton
Goss.	Morriss.
Gough.	Presler.
Greer.	Wayland.

Nays—10.

Bailey.	Rogers.
Bowser.	Ross.
Colquitt.	Terrell.
Dibrell.	Tillett.
Kerr.	Woods.

Absent.

Atlee.	Neal.
Burns.	Stafford.
Darwin.	Stone.
Harrison.	Turney.
Lewis.	Yantis.
Linn of Victoria.	Yett.

Excused.

Boren.

The Senate then adjourned to 3:25 p. m.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. No quorum, the following Senators answering to their names:

Beall.	Lewis.
Bowser.	Linn of Wharton.
Burns.	Morriss.
Colquitt.	Presler.
Dibrell.	Rogers.
Goss.	Ross.
Gough.	Tillett.
Kerr.	Woods.

Absent.

Atlee.	Stafford.
Bailey.	Stone.
Darwin.	Terrell.
Greer.	Turney.
Harrison.	Wayland.
Linn of Victoria.	Yantis.
Neal.	Yett.

**Excused.****Boren.**

Senator Gough moved a call of the Senate, which was ordered, the following Senators answering to their names:

<b>Bailey.</b>	Lewis.
<b>Beall.</b>	Linn of Wharton.
<b>Bowser.</b>	Morriss.
<b>Burns.</b>	Presler.
<b>Colquitt.</b>	Rogers.
<b>Dibrell.</b>	Ross.
<b>Goss.</b>	Terrell.
<b>Gough.</b>	Tillett.
<b>Greer.</b>	Wayland.
<b>Kerr.</b>	Woods.

**Absent.**

<b>Atlee.</b>	Stafford.
<b>Darwin.</b>	Stone.
<b>Harrison.</b>	Turney.
<b>Linn of Victoria.</b>	Yantis.
<b>Neal.</b>	Yett.

**Excused.****Boren.**

No quorum appearing.

On motion of Senator Beall, the Senate took a recess to 4:30 p. m.

**AFTER RECESS.**

Senator Harrison was announced.

Quorum announced.

Pending reading of the Journal of Saturday,

On motion of Senator Beall, the same was dispensed with.

**COMMITTEE REPORTS.**

Committee Room,

Austin, Texas, May 17, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 384, a bill to be entitled "An act to amend article 4785a, of chapter 6, title 97, of the Revised Civil Statutes of the State of Texas, relating to roads, bridges and ferries,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WAYLAND, Chairman.

Committee Room,

Austin, Texas, May 17, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 381, a bill to be entitled "An act to amend article 1537,

chapter 2, title 32, of the Revised Civil Statutes of Texas, adopted and established by the Twenty-fourth Legislature in regular session, 1895, relating to the powers and duties of commissioners courts authorized to audit, adjust and settle claims,"

And find the same correctly enrolled, and have this day, at 5:30 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,

Austin, Texas, May 17, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 33, a bill to be entitled "An act to protect accountants, bookkeepers, artisans, craftsmen, factory operatives, mill operatives, servants, mechanics, quarrymen and common laborers and farm hands; to provide a lien and to prescribe the time of payments and in lawful money of the United States, and providing for attorney's fees in foreclosing such liens and prescribing the rights of the assignees of such persons, and to repeal all laws in conflict with this act,"

And find the same correctly enrolled, and have this day, at 5:30 p. m., presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,

Austin, Texas, May 17, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 281, a bill to be entitled "An act to authorize towns and villages incorporated under the provisions of chapter 11, title 18, of the Revised Civil Statutes, to condemn the right of way over and across the road bed and right of way of any railway company, within the limits of such town or village, when deemed necessary by such town or village for the purpose of opening, widening or extending the public streets of such towns or villages; to define the duties of railway companies when their road beds and rights of way are condemned for street purposes by such towns or villages, and to prescribe a penalty for violations thereof."

And find the same correctly enrolled, and have this day, at 5:30 p. m., pre-

presented the same to the Governor for his approval.

**ROGERS, Chairman.**

Committee Room,

Austin, Texas, May 17, 1897.

Hon. George T. Jester, President of the Senate:

**Your Committee on Judicial Districts, to whom was referred**

House bill No. 700, a bill to be entitled "An act to fix the time for holding the courts in the Forty-sixth Judicial District, and to repeal all laws and parts of laws in conflict herewith."

**Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.**

**BEALL, Acting Chairman.**

Committee Room,

Austin, Texas, May 17, 1897.

Hon. George T. Jester, President of the Senate:

**Your Committee on Engrossed Bills have carefully examined and compared**

Senate joint resolution No. 20, granting leave of absence from the State of Texas for sixty days to the Hon. W. M. Allison, judge of the Thirty-third judicial district of Texas.

**And find the same correctly engrossed.**

**GOUGH, Chairman.**

Call concluded.

Senator Bowser called up from the table, on second reading.

House bill No. 713, a bill to be entitled "An act to appropriate the sum of \$10,000, or so much thereof as may be necessary, to pay the per diem of members, officers and employes of the Twenty-fifth Legislature of the State of Texas,"

Pending action on passage to third reading.

Senator Colquitt moved to lay the bill on the table subject to call.

Carried.

#### HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,  
Austin, Texas, May 14, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bill:

Senate bill No. 138, a bill to be entitled "An act to amend section 2439,

chapter 1, title XLV, of the Revised Statutes of Texas, relating to the fees the Secretary of State is authorized and required to charge for the use of the State for charters, amendments and supplements thereto, and to repeal all laws in conflict with this act, in so far as they may affect the same."

By the following vote: yeas 88, nays 2.

Also, that the House has rejected the report of the free conference committee on substitute House bill No. 203 (the general appropriation bill), and requests another free conference committee with the following free conference committee on the part of the House: Messrs. Garrison, Wilcox, Moore of Lamar, Turner, O'Connor.

Respectfully,

**LEE J. ROUNTREE, Chief Clerk.**

Senator Beall called up the request of the House for a free conference committee on House bill No. 203 (see House message above), and moved that the same be granted.

Carried, and the Chair appointed on part of the Senate Senators Stone, Turney, Morriss, Colquitt and Goss.

On motion of Senator Goss, the regular order of business was suspended, to take up, on its second reading,

Substitute House bills Nos. 247, 350 and 384, a bill to be entitled "An act to amend articles 3936 and 3937, chapter 9, title 86, of the Revised Civil Statutes of the State of Texas, relating to public education, so as to regulate the custody and expenditure of school funds, and make provisions for reports of treasurers of school funds, and prescribing penalties for the neglect of certain officers."

Bill read second time.

**By Senator Goss:**

Strike out the expressions "Sec. 2," "Sec. 3," "Sec. 4," "Sec. 5," "Sec. 6," "Sec. 7," "Sec. 8," "Sec. 9," "Sec. 10," "Sec. 11" and "Sec. 12," and insert in lieu thereof respectively "1," "2," "3," "4," "5," "6," "7," "8," "9," "10" and "11."

Adopted.

**By Senator Goss:**

Amend by striking out section 7 and inserting in lieu thereof the following:

"7. The local school taxes and all other local school funds may be expended for the purposes enumerated in subdivisions 4 and 5, for insurance of school houses, and for the purchase of fuel, erasers, crayon, brooms, buckets, dippers, text-book and literary libraries, for the use of pupils, and library cases, and for all such supplies and

appliances as may be necessary for the proper conduct of a public school."

**By Senator Beall:**

Substitute the amendment as follows:

Amend by striking out section 7 and inserting in lieu thereof the following:

"Sec. 7. The local school taxes and all other local school funds may be expended for any proper school purposes as the local board may direct."

Senator Goss withdrew his amendment.

Senator Beall offered his substitute as an amendment, and the same was adopted.

**By Senator Goss:**

Amend by adding:

"Sec. 2. The near approach of the close of the session and the crowded condition of the calendar render it improbable that this bill can be considered on three several days, and the importance of the legislation proposed create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

Adopted.

**By Senator Linn of Wharton:**

Amend section 6, line 8, page 3, after the word "blackboards," the following. "fuel and chalk for blackboards."

**By Senator Dibrell:**

Substitute the amendment as follows:

Amend by striking out in section 6, page 3, all after the word "houses," in line 6, so as to prevent the purchase of school furniture.

Adopted.

The amendment as substituted was then adopted.

**By Senator Colquitt:**

Amend by striking out all of line 19, page 1 (enacting clause).

Adopted.

Senator Colquitt moved to reconsider the vote by which the above amendment was adopted, and to lay that motion on the table.

Tabled.

Senator Bowser called up

Senate bill No. 138, a bill to be entitled "An act to amend section 2439, chapter 1, title XLV, of the Revised Statutes of Texas, relating to the fees the Secretary of State is authorized and required to charge for the use of the State for charters, amendments and supplements thereto, and to repeal

all laws in conflict with this act, in so far as they may affect the same,"

Which had passed the House with amendments, and moved that the Senate concur in said amendments.

Concurred.

The Chair gave notice of signing, and did sign in the presence of the Senate, after their captions had been read,

Senate bill No. 33, entitled "An act to protect accountants, bookkeepers, artisans, craftsmen, factory operatives, mill operatives, servants, mechanics, quarrymen and common laborers; to provide a lien and to prescribe the time of payment, and in lawful money of the United States; providing for attorneys' fees in foreclosing such liens, and prescribing the rights of the assignees of such persons, and to repeal all laws in conflict with this act."

Senate bill No. 281, a bill to be entitled "An act to authorize towns and villages incorporated under the provisions of chapter 11, title 18, of the Revised Civil Statutes, to condemn the right of way over and across the roadbed and right of way of any railway within the limits of such town or village, when deemed necessary by such town or village for the purpose of opening, widening or extending the public streets of such towns or villages, to define the duties of railroad companies when their roadbeds and rights of way are condemned for street purposes by such towns and villages, and to prescribe a penalty for violations thereof."

Senate bill No. 381, a bill to be entitled "An act to amend article 1537, chapter 2, title 32, of the Revised Civil Statutes of Texas adopted and established by the Twenty-fourth Legislature in regular session, 1895, relating to the powers and duties of commissioners courts authorized to audit, adjust and settle claims."

On motion of Senator Colquitt, the regular order of business was suspended to take up, on its second reading.

Substitute House bill No. 207, a bill to be entitled "An act to amend article 5049, chapter 1, title 104, of the Revised Civil Statutes of 1895, relating to the collection of a tax on occupations."

Bill read second time.

**By Senator Colquitt:**

Amend on page 3 by inserting between lines 2 and 3 the following:

"From every merchant who may remove from place to place and offer for

sale 'bankrupt stocks' of goods, or advertising 'fire sales,' or 'water and fire damaged stocks for sale,' for a limited period of time, there shall be collected \$100 per month for the first month or less than a month for each and every place where such business is located, and for each additional month that such sales are continued, at any given place, said merchant shall pay an additional sum of \$20; provided, that where they remain in one place for six months, in addition to the \$100 charged for the first month they shall pay an additional sum of \$10 per month; and provided further, that if they remain in one place for the period of twelve months, they shall be required to pay, in addition to the \$100 for the first month, the sum fixed in the preceding paragraph, according to class and amount of goods sold in one year."

Adopted.

By Senator Greer:

Amend the bill on page 15, by inserting between lines 16 and 17 the following:

"From all dealers in cigarettes in this State, the sum of \$10 per annum, a cigarette being within the meaning of this act the same as defined by the laws of the United States government; provided, that this tax shall be in addition to the occupation tax levied on merchants, and any other tax levied under the law; and provided further, that each dealer shall be required to procure an annual license from the county clerk of the county where he proposes to sell cigarettes, which shall be granted for no shorter or longer period than one year; and provided further, that the license shall describe the house and locality where the dealer proposes to sell cigarettes."

Adopted.

By Senator Bailey:

Amend page 3, line 9, by striking out "\$1000" and insert "\$1."

Adopted.

Senator Tillett moved to reconsider the vote by which the amendment was adopted.

Senator Bailey moved to table the motion to reconsider.

Lost.

The motion to reconsider then prevailed.

Senator Bailey withdrew his amendment.

By Senator Dibrell:

Amend page 4 by striking out, after the word "dollars," in line 31, down

to and including the word "profession," in line 32.

Adopted.

By Senator Bailey:

Amend page 3, line 9, by striking out "\$1000" and insert "\$100."

Adopted.

By Senator Beall:

Amend line 14, page 5, by inserting after the word "Gazette" the words "The Standard."

Adopted.

The following amendments were sent up, and ordered printed in the Journal:

By Senator Colquitt:

Amend page 7, line 16, by striking out the word "performance" and insert the word "performers" in lieu of it, and strike out "\$10" in line 17 and insert in lieu thereof the words "twenty-five dollars annually, payable semi-annually in advance."

By Senator Morriss:

Amend in line 27, page 13, by substituting "\$100" for "\$25," and in line 28, page 13, insert "\$5" for "\$3."

By Senator Wayland:

Amend page 4 by adding after the word "dollars," line 32, the following: "From every local practicing physician, surgeon, veterinary surgeon, or any medical or surgical specialist, an annual tax of \$5."

By Senator Linn of Wharton:

Amend by striking out all after the word "that" in line 17, page 15, down to and including the word "delayed" in line 5, page 16, of bill.

By Senator Tillett:

Add after the word "levied," line 24, page 4, the following:

"From every notary public, \$2.50; provided, this tax shall not be paid by any attorney or land agent or other person who pays an occupation tax other than this tax."

On motion of Senator Gough, the Senate adjourned to 10 a. m. to-morrow.

## NINETY-NINTH DAY.

Senate Chamber,

Austin, Tex., Tuesday, May 18.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names: